IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6070 of 2007(V)

PETITIONER:

B.PADMAKUMAR, VHSST (MATHEMATICS),
TKDMGVHSS, ULIYAKKOVIL, KOLLAM DISTRICT.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION (SPECIAL CELL) DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION, DIRECTORATE OF VOCATIONAL HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.6070 of 2007

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Dated this the 28th day of February, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is working as Non Vocational teacher in Mathematics in TKDMGVHSS, Kollam. As per Ext.P1 the qualification for holding the post of Lecturer was relaxed. On the basis of Exts.P2 and P3, Ext.P4 was issued by the Government, whereby qualified Ministerial staff in VHSE Department are appointed by transfer as Vocational/Non vocational Lecturers. Petitioner was also appointed. The appointment was provisional subject to the formulation of Special Rules. Petitioner worked as Non Vocational Teacher for nine years and is still working as such. In 2004 Special Rules were introduced. Certain new qualifications were introduced. Petitioner along with 66 others from the Ministerial Cadre do not have the qualifications as per Ext.P5 Special Rules. But the petitioner is ready to acquire the qualifications under the Special Rules. The Special Rules do not deal with these persons. They are neither exempted nor given time to acquire the qualifications. Petitioner faces reversion. Public Service Commission

has issued advice memo identifying the posts held by the 66 persons. The second respondent submitted Ext.P9 to the Government and prayed that Government may take immediate action in the matter. Petitioner has also preferred Ext.P10.

2. Heard Government Pleader also.

Leaving open the contentions of the petitioner in regard to Ext.P5, the writ petition is disposed of directing the first respondent to consider and take a decision on Ext.P10 in accordance with law within a period of three weeks from the date of receipt of a copy of this judgment. The first respondent will also take note of Ext.P9 when it takes a decision on Ext.P10.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.